REMARKS

The application contains claims 1-16. All claims stand rejected under 35 U.S.C. § 112, § 101, or § 102(b). In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

OBJECTIONS TO THE DRAWINGS & SPECIFICATION

Applicants have corrected clerical errors in the drawings and the specification.

OBJECTIONS TO THE CLAIMS

Applicants have amended the claims to overcome Examiner's outstanding objections.

35 U.S.C. §112

Applicants request withdrawal of the rejection to claim 16 because it is not a means plus function claim. Claim 16 does not refer to the recited test module in means plus function form. Instead, the claim uses standard terminology in software fields, referring to the software component as a test "module" The claim, therefore, is not a single means claim.

The Office Action, in paragraphs 10-11, cites to 35 U.S.C. § 112, second paragraph but makes no rejection to any claim on that basis. The Office Action also sets forth various claim interpretations without explaining if these interpretations are related to any § 112 second paragraph analysis or any other analysis set forth in the Office Action. Furthermore, the Office Action's claim interpretations do not appear to follow the mandate of *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005); for example there is no citation to the specification to identify the basis for the Examiner's claim interpretations.

Applicants do not understand the significance of paragraphs 10-11. If the analysis of these paragraphs are material to any standing rejection in the Office Action. Applicants respectfully request a clearer explanation of the rejection to permit Applicants to prepare a meaningful response.

35 U.S.C. § 101

All claims stand rejected under 35 U.S.C. § 101 as lacking "patentable utility." Applicants respectfully request withdrawal of the rejections to claims 1-16 because applicant's invention is directed to useful subject matter. As explained by the specification the claimed invention "provide[s] a testing methodology that allows for testing of an arbitrary software component at

a more abstract level than the unit testing methodology." The specification also states, "[t]he testing method is achieved by defining a plurality of test case classes, each test case class corresponding to an operation. Defining a relationship between a particular set of test case classes, the relationship corresponding to a particular scenario to be tested. The scenario is then tested to determine whether it is semantically correct with respect to the underlying application framework." Testing a scenario for semantic correctness thus provides a concrete and tangible result. The § 101 rejections should be withdrawn.

Additionally, method claims 1-5 have been amended to recite a computer implemented test method and claims 6-10 and 16 have been amended to recite a computer system. Claims 11-15 refer to a program storage device. These amendments further emphasize the statutory nature of the pending claims.

35 U.S.C. § 102(b)

All claims stand rejected under 35 U.S.C. § 102(b) as anticipated by Wybouw-Cognard, U.S. Pub. No. 2002/0116153 ("Wybouw-Cognard"). In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

Applicants respectfully request withdrawal of the rejections to claims 1-16 because *Wybouw-Cognard* fails to teach all the limitations of the claims. Independent claim 1 reads as follows:

> associating a test case class with each of a plurality of operations;
> receiving a <u>hierarchically organized</u> test scenario, the test scenario including at
> least one selected<u>, nested</u> test case class;

The cited art does not disclose a hierarchically organized test scenario. Although *Wybouw-Cognard* discloses various tests to be executed [Fig. 3], it fails to disclose a ***hierarchically organized*** test scenario. In fact, *Wybouw-Cognard* discloses the tests executed in a linear fashion [0063]. This disclosure does not teach a test scenario organized as a hierarchy.

Moreover, the cited art fails to disclose test case classes organized in a ***nested*** fashion. In fact, *Wybouw-Cognar* teaches away from this feature. Because the tests in *Wybouw-Cognard* are executed in batch and linear form, each test including a preparation, run, and verification step [0063-78], the tests are executed independent of one another. Once a test's result is verified [0073, 0076], *Wybouw-Cognard* selects the next test [0074, 0078]. Preparation of that test cleans up all files generated by previous prepare processes, incorporating an entirely new

state that is independent of prior tests [0089]. Therefore, *Wybouw-Cognard* fails to disclose test case classes organized in a nested fashion.

Accordingly, independent claim 1 defines over the cited art. Independent claims 6, 11, and 16 include similar recitations and are allowable on the same basis. Accordingly, Applicant respectfully requests allowance of claims 1-16.

CONCLUSION

All objections and rejections have been overcome. Applicants respectfully request allowance of the application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4235 to discuss any matter concerning this application.

Respectfully submitted,

Date: <u>December 20, 2006</u>

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